

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FRANKLIN ASHLEY,

Plaintiff,

v.

WILLIAM MCKINNEY, et al.,

Defendants.

No. 4:19-CV-00309 JCH

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel, Doc. [31]. For the reasons stated below, the motion will be denied without prejudice.

A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). A district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the legal and factual complexity of the case, the ability of the pro se litigant to investigate the facts and present his claim, and the existence of conflicting testimony. *Phillips*, 437 F.3d at 794.

After considering these factors, the undersigned finds that the appointment of counsel is not warranted at this time. In the instant case, Plaintiff has presented non-frivolous allegations in his complaint. However, Plaintiff has thus far been able to articulate his claims in a clear and concise manner. Because Plaintiff has demonstrated that he can adequately present his claims

without an attorney, the Court finds that the interests of justice do not warrant appointment of counsel at this time. Plaintiff may file future motions for appointment of counsel as the case progresses.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Appointment of Counsel, Doc. [31], is **DENIED** without prejudice.

Dated this 24th day of March, 2020.

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE